

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED OCT 11 2005 JOHN F. CORCORAN, CLERK BY: <i>SGW</i> DEPUTY CLERK
--

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MARK ANTHONY TEAL,)
Plaintiff,) Civil Action No. 7:04cv00406
)
v.) MEMORANDUM OPINION & ORDER
)
WARDEN D.A. BRAXTON, et al.,)
Defendants.) By: Hon. Michael F. Urbanski
) United States Magistrate Judge

This matter is before the court on plaintiff, Mark Anthony Teal's motion, which the court will construe as a motion to appoint counsel. Plaintiff requests that this court appoint him an "independent representative of the court" to assist him in viewing and analyzing the video recordings made in relation to his placement in restraints from February through May of 2004.

The court is of the opinion that plaintiff has not shown adequate cause for appointment of counsel in the sense contemplated by Cook v. Bounds, 518 F.2d 779 (1975). Only under the most exceptional circumstances should a district court request an attorney to represent an indigent litigant in a civil case. Id.

Teal has presented no evidence which suggests that he is not capable of viewing or analyzing the video recordings. Rather, he claims that if counsel is appointed, prison officials will be more likely to cooperate with him and act professionally. However, plaintiff does not suggest that defendants or prison officials have refused to comply with the court's September 22, 2005 order directing that plaintiff be given an opportunity to view said recordings.

Accordingly, it is hereby

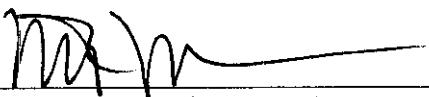
ORDERED

that plaintiff's motion for appointment of counsel, document number 64, shall be and hereby is

DENIED.

The Clerk is directed to send certified copies of this order to the petitioner and counsel of record for the respondent.

ENTER: This 17 day of October, 2005.



United States Magistrate Judge